

Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 262: SMOKING HEADING: PL 1993, c. 342, §1 (new)

§1549. SMOKING IN VEHICLES WHEN MINOR UNDER 16 YEARS OF AGE IS PRESENT

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor vehicle" has the same meaning as in Title 29-A, section 101, subsection 42. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

B. "Smoking" means inhaling, exhaling, burning or carrying a lighted cigarette, cigar, pipe, weed, plant, regulated narcotic or other combustible substance. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

[2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

2. Prohibition. Smoking is prohibited in a motor vehicle by the operator or a passenger when a person who has not attained 16 years of age is present in that motor vehicle, regardless of whether the motor vehicle's windows are open.

[2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

3. Prohibition on inspection or search. A motor vehicle, the contents of the motor vehicle or the operator or a passenger in the motor vehicle may not be inspected or searched solely because of a violation of this section.

[2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

4. Not a moving violation. A violation of this section is a not a moving violation as defined in Title 29-A, section 101, subsection 44.

[2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

5. Penalty; warning. Notwithstanding section 1545, penalties for violations of this section are as set out in this subsection.

A. From September 1, 2008 to August 31, 2009, a law enforcement officer shall give a written warning to an operator or passenger of a motor vehicle who is in violation of this section. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

B. Beginning September 1, 2009, a person who violates this section commits a civil violation for which a fine of \$50 must be assessed, except that a law enforcement officer may give a written warning to the operator or a passenger of a motor vehicle who is in violation of this section. [2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF).]

[2007, c. 591, §1 (NEW); 2007, c. 591, §2 (AFF) .]

SECTION HISTORY

2007, c. 591, §1 (NEW). 2007, c. 591, §2 (AFF).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 126th Maine Legislature and is current through August 1, 2014. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.
--